

CONSERVATION COMMISSION

MINUTES (Approved 4/27/16)

APRIL 13, 2016

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

J. Finnigan, B. Dyer, E. DiVirgilio, R. Turner, K. Watson

Also Present: L. Hershey, Conservation Agent

This meeting is televised. For additional information log into walpolemedia.tv

The conservation agent report was given to members

PUBLIC MEETING DETERMINATION OF APPLICABILITY KEOLIS COMMUTER SERVICES

Opened: 7:00

Mr. Wiley read board comments into the record.

Mr. Kyle Faire, Faire Dermody Consulting Engineers, was present

A USGS Right of Way Map was included in the Request for Determination dated 3/1/16

Mr. Faire stated this filing is for the Vegetation Management Plan in accordance to the Mass Right of Way Management regulations, and the renewal of the wetland delineation in Walpole. He stated they have put down permanent markings to represent the location of the setbacks. This will enable them to alert what frequency, pattern and where they cannot spray. He stated there are no proposed changes to the current delineation from the previous filing. Mr. Faire stated colors are used to describe specific areas. Sensitive areas are shown where spraying can only occur once, and other colors represent what chemicals are able to be used. All applications are kept to the Right-of-Way. They also check to make sure there is no beaver activity in the area.

Ms. Hershey stated this is done every five years as a Vegetation Management Plan. She checked google maps and traced the line and agree there doesn't appear to be any changes in the delineation.

Mr. Turner expressed concern about Cedar Swamp

Mr. Goetz stated he has ridden in the rail cars and gone the entire length and seen the plaques. He stated it hasn't changed in 20 years and has no problem issuing a Negative Determination

Mr. Wiley asked if there were questions or comments from the audience

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 7:12

Mr. Goetz made the motion to approve and issue a Negative 5 Determination

Ms. Dyer seconded the motion

Vote: 7-0-0

PUBLIC HEARING

LAND DISTURBANCE PERMIT

OFF PLEASANT ST.

Opened: 7:15

Mr. Wiley read the advertisement from the Walpole Times. Green cards were submitted

Mr. Wiley read board comments into the record

Plans were submitted entitled "Maplewood Condominiums Site Plan" dated 12/14/15, revised 2/18/15 and a Stormwater Pollution Prevention Plan (SWPPP) dated 2/18/16. A Landscape Design was also submitted for review.

Attorney Phil Macchi was present along with owner and applicant Mark McSharry., of McSharry Bros., Inc., Mr. Dave Johnson of Norwood Engineering and Robert Doramio, Landscape Architect

Mr. Johnson stated this filing is for a Land Disturbance Permit on a site in Walpole off Pleasant ST. The site is being developed on 2.8 acres for a condominium complex featuring six (6) duplex buildings. Mr. Johnson stated unlike many sites, there are no wetlands or resource areas on this property, and it is a very clean site as far as wetland issues go. Mr. Johnson discussed erosion and sedimentation controls which will be adhered to during construction. He stated Best Management Practices have been provided in a Stormwater Pollution Prevention Plan (SWPPP) that was submitted with the Land Disturbance permit. The temporary erosion controls during the earth removal include the use of straw wattles, an installation of stone tracking pad, street sweeping on a daily basis to control sediment build up. The site will be drained to existing low point where the infiltration basin will be constructed. A stockpile area will be in place during construction as well as a series of temporary swales. Mr. Johnson stated the site drains toward the railroad tracks; a swale will be located along the property line, and another swale will be in place for the stormwater to move from the sediment forebay through a crushed stone checkdam prior to reaching the infiltration basin. Mr. Johnson stated that there is no need for a tracking pad to be located at Maguire Park, as this will not be used for a construction entrance. The only work which will take place in that area is the installation of the water and sewer line.

Mr. Johnson stated permanent Best Management Practices will be implemented to deal with water quality runoff. Below surface infiltration of runoff is provided by a crushed stone basin area that connects to 133 Storm Tech chambers. The entire surface area of the basin will allow the water to infiltrate as it will be covered with crushed stone. Calculations were done to show the basin will drain in

52 hours, meeting the stormwater regulations. A 44% TSS removal rate is achieved prior to discharge into the infiltration basin as well as a reduction in the rates of runoff for the 100 yr storm events.

Mr. Johnson stated responses to the Town Engineer's comments have been addressed in a letter they submitted dated 4/13/16 and was discussed.

Ms. Hershey stated to the audience that this filing is for a Land Disturbance Permit under the stormwater bylaw and it is required to look at low impact development opportunities. Draught resistant landscaping should be implemented, as well as infiltrating the stormwater prior to going into the basins. She stated she has been on the site and is satisfied there are no resources in the area. It is an altered site with a fair amount of invasives that need to be handled so they do not spread. She asked that roof drains be directed towards the infiltration units

Mr. Johnson stated everything is captured throughout the pavement and backyard into a permanent infiltration basin.

Landscape Architect Robert Doramio discussed the plantings with the commission. He presented the plan and discussed they will be drought resistant and the goal is to use as many native plantings as possible. The plan is also to create a buffer for the neighbors which will include Evergreens and a buffer between the units as well. A chain fence will be installed for safety and a vinyl fence to separate the neighborhood from the development. Snow storage also has been provided onsite.

Ms. Hershey stated a reminder that the new fertilizer requirements regarding the use of phosphorus need to be adhered to.

Ms. Watson reiterated that good planting practices are important. She discussed using irrigating type bags and removing all burlap cages from the plantings to assure good root development. Ms. Watson stated they should use organic fertilizers in lieu of inorganics.

Mr. Turner asked if stormwater runoff could be used as irrigation, and that a lot of clean water comes off roofs and it could work well

Mr. Doramio stated it would be a good idea but very extensive

Mr. Goetz stated this looks like a good project. He stated he doesn't like the idea of the use of wattles by themselves and would prefer compost socks and silt fence. He also stated his concerns with wind erosion and keeping the dust down with a watering plan. Mr. Goetz discussed the responsibility of the basins and it needs to be clear. Mr. Goetz discussed as far as plantings he has concerns the choices being deer resistant and that native species should be used. He also discussed that vinyl fencing, although it looks nice when it is new, it doesn't always survive winters

Mr. Johnson stated they can substitute compost socks for the wattles. He stated a SWPPP was submitted and a short term dust control plan is included as well as a long term maintenance plan. McSharry Bros. are responsible for all maintenance until such time that the Homeowner Association becomes responsible

Mr. Wiley asked what the means are to service the retention area and recharge system

Mr. Johnson stated at the ends of the units there are conservation ports located at the end of the chamber systems that enable inspections and cleaning

Mr. Wiley asked if the roof drains could be recharged from the units from the back

Mr. Johnson stated a few of the buildings could, but that they are limited due to the water lines, sewer lines and underground electric.

Jack: roof drains from back at structures and recharging directly from units

David: water lines, sewer lines, underground electric...but a few of the buildings could. Somewhat limited, so consolidated it. More likely to be maintained than ones from downspouts

Mr. Wiley asked for questions or comments from the audience pertaining to conservation issues

Mr. John Gas, Pleasant St. discussed that the neighbors have concerns with this project. He asked what kind of soil testing had been done and his concerns with water issues and what documentation is what is in the ground now in case there is a problem in the future. He is concerned with the trees coming down and that a basin doesn't work the way trees do.

Mr. Johnson stated six soil tests were completed to determine soil suitability and no foreign materials or slag was found.

Mr. McSharry stated he had soil testing for contaminants when the perk tests were done as well. The 21E report will be forwarded to the board. He stated there is additional information in the project description which was part of the filing as well.

Ms. Hershey stated as part of the Mass Contingency laws if remediation is needed the owner would have to take care of it. She also stated that both her and the Town Engineer have reviewed everything

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 8:02

The commission discussed conditions to be adhered to on the Land Disturbance Permit. Silt socks will be used instead of wattles, planting requirements to remove the burlap; erosion control monitor shall be available in case of emergencies

Mr. Goetz made the motion to approve and issue a Land Disturbance Permit with special conditions upon receipt of revised plan

Ms. Dyer seconded the motion

Vote 7-0-0

PUBLIC HEARING

NOTICE OF INTENT

PRODUCTION RD. #23 & 27

LOT 14A
DEP# 315-1106

Opened: 8:08

Mr. Wiley read the advertisement from the Walpole Times. Certificates of Mailing were received.

Mr. Wiley read board comments into the record

Plans entitled "Site Plan of Lot 14A Production Rd. in Walpole MA" were received dated 11/19/15. Revised plans were submitted 4/11/16 and dated 4/6/16

Mr. Frank Gallagher, Gallagher Engineering was present with wetlands scientist Mr. Dave Gordon. Owner and applicant John DiSangro was also present.

Mr. Gallagher stated there are two filings submitted this evening. This filing is for Lot 14A, #23 & 27 Production Rd. There is an approximately 3.45 acre lot and the proposal is to construct a warehouse, office, manufacturing speculation building. The Office will be located in the front space and the warehouse to the rear of the building with loading docks. There is BVW located to the rear of the lot and the wetlands have been delineated. The 25ft and 100 ft. buffer zones have been shown on the plan, and proposed work within the 100 ft. buffer is what brings them before the commission tonight. This proposal also includes an extensive paved parking lot, as there is a client-driven need for this. Mr. Gallagher stated they are in front of the Planning Board currently for site plan review. Mr. Gallagher stated this is in Water Resource Protection Districts 3 and 4. Stormwater must be recharged or zoning says this much paving will not be able to be done. Mr. Gallagher stated there will be underground infiltration in place, three in all. Test pits have been completed and the data has been shown. He stated there is a layer of fill, but underlying is sand and gravel which lends itself well for recharge. Mr. Gallagher stated that the Town Engineer has reviewed this as well. He stated the recharge handles up to and including the 100 year storm. Mr. Gallagher stated that DEP reviewed the application and pointed out there are additional stormwater standards which need to be met. For infiltration of stormwater runoff from a Zone II at least 44% of the total suspended solids must be removed prior to discharge to the infiltration structure. The revisions submitted added stormceptors to catch solids prior to discharge, and catch basins with deep sumps. 67% of suspended solids are now being caught which exceeds the requirements from DEP. He also discussed the remaining stormwater standards including Best Management Policies which have been met. Mr. Gallagher stated the applicant is requesting some work occur in the 25ft buffer and he realizes a waiver needs to come from the commission. Mr. Gordon has worked on some enhancements to improve the quality of the buffer where work is not being proposed as mitigation for the request. Mr. Gallagher stated work in the 25 ft is necessary due to the loading docks and limited amount of space for trucks to maneuver as a retaining wall is there as well. Enhancement plans were submitted via email.

Ms. Hershey stated she has not seen the enhancement plan. She has reviewed the wetlands line and found it to be a pretty altered buffer zone from the past. There are a fair amount of invasives, so the area could be improved if the commission agrees for work to be done in the 25ft no disturb area.

Mr. DiVirgilio asked what the plans for mitigation include

Mr. Gordon stated the proposal would be to have shrubs with berries or leaf for habitat and it would be proposed along the 25ft area where they are not disturbing.

Mr. Gallagher stated that only 8% of the 25ft no disturb is being asked to be used.

Mr. Turner asked about the docking area and what are the safeguards to prevent the trucks oil leakage etc.. He stated it is a sensitive area and the Town is dependent on wells

Mr. Gallagher stated there are only leaching catch basins in place to catch stormwater but they could build in some safe guards for this. He stated a solid catch basin with a sump and hood to trap the oils possibly.

Mr. Turner is concerned once it is full it will come up. He's concerned about the water supply

Mr. Gallagher stated an O&M plan has been requested and they will need a safeguard to prevent it from happening; this will be included

Ms. Dyer stated she had a little trouble following the plan. She asked why so much parking and what kind of business going in is anticipated.

Mr. DiSangro stated a medical supply business. He stated there just has not been enough parking. He is attempting to change the clientele in his businesses and wants a more established one to be able to move in, instead of a start-up company

Ms. Dyer stated her concerns of Industrial areas, and often time trash gets thrown in the areas to the back of the buildings. She has concerns that if that area is adjacent to a wetland it may become a dumping ground.

Mr. DiSangro stated he is frustrated because he has cameras in place, but sometimes that is worse because you can watch but can't catch them

Ms. Dyer suggested a fence on the retaining wall

Mr. DiSangro suggested a wooden guardrail to go on top of the wall

Mr. Wiley stated in the O&M plan he would like to see it stated that policing of the area will be a special condition so it doesn't happen

Mr. Goetz stated his concerns with the loading docks as well. He stated loading docks create leakage from trucks and it is a concern of the commission. He stated vortex units are the only ones designed site specific and they could solve the problem

Mr. Wiley stated the applicant should take a look at the stormceptors and address this issue. Regular inspections should take place. He also asked for more information from Mr. Gordon on what the compensation for working with the 25ft will be

Mr. Gordon stated part of the work will occur on this lot and part on lot 4A which is the next Public Hearing. He is proposing a large amount of soil will be brought in to connect the wetlands of the two

lots. He stated sweet pepper and spice bushes could be planted, and the goal will be to mimic what is in the remainder of the wetland. Enhancements to the southwest will have additional species like a berry or leaf for habitat and the large area to the North a species for food source

Mr. Wiley asked the commission if they had a problem with the use of the 2ft. no disturb

Ms. Hershey stated the ratio should be 1-1/2 for enhancement to what is being altered.

Mr. Finnigan stated that in regard to the 25ft no alteration, it is unconstitutional

Mr. Goetz stated he has no problems with the use of the 25 ft.

Mr. Wiley stated it wouldn't be a problem is the ratio mentioned is used

Mr. Goetz made the motion to continue the Public Hearing until April 27, 2016 at 7:15

Ms. Dyer seconded the motion

Vote: 7-0-0

The commission discussed the snow storage area. It is not on either lot, but is owned by Mr. DiSangro. One of the special conditions can be that the snow storage goes with the lot

PUBLIC HEARING

NOTICE OF INTENT

PRODUCTION RD. #24 & 28

LOT 4A

DEP# 315-1107

Opened: 8:55

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing were received and are located in file #23 & 27 Production Rd. DEP# 315-1106 as they were mailed together.

Mr. Wiley read board comments into the record.

Plans entitled "Site Plan of Lot 4A Production Rd. in Walpole MA" were received dated 11/19/15. Revised plans were submitted 4/11/16 and dated 4/6/16

Mr. Frank Gallagher, Gallagher Engineering was present with wetlands scientist Mr. Dave Gordon. Owner and applicant John DiSangro was also present.

Mr. Gallagher stated this filing is for lot 4A which is located at #24 & 28 Production Rd., across the street from the previous filing. He stated the proposal is for the same type of warehouse building and office. He stated there are no loading docks with this filing and only 81 parking spaces. DEP stormwater comments were brought to the attention of the applicant in their issuance of the DEP # for this filing as was in the previous filing. Mr. Gallagher stated there is an isolated wetland located on this lot. Offsite, there is a pond and BVW. The applicant is asking for 310 sq. ft. of that isolated wetland to be used. The 25ft buffer and 100 ft. buffer have been shown on the plan. Mr. Gallagher stated that as in the filing previous, they are proposing enhancements to this site as well as a way of mitigation for the

encroachment they are requesting. He stated the same infiltrators and closed drainage is being proposed. Test pits have been shown on the revised plans and notes showing ground elevation. Profiles have been shown at the request of the Town Engineer as well

Ms. Hershey asked if soil testing was completed along the berm

Mr. Gordon stated it was, and most likely the wetlands had been connected. He also stated functions and values of the wetlands have been looked at

Ms. Hershey stated it seems like a wetland was divided by a berm

Mr. Gordon showed pictures of the wetland area in question and what it being proposed to be altered. He stated it appears to be a remnant left over from previous activity

Ms. Hershey stated she is the first one to say that wetlands should remain, as typically wetland replication is not as good. In this instance she feels they can fill in this finger piece and do some shading or benefits to wildlife habitat after.

Mr. Gordon stated the rest of the wetlands not being altered have no vegetation at all, so he is proposing to add berry species or leaf species to the existing wetland. In the uplands nearby use berry or cover species as well. He stated they can think about other enhancements as well and the impact to that wetland compared to the improvements proposed.

Mr. Goetz stated they can plant some ground level species

Ms. Watson stated she would like to see a plan of these enhancements and replications

Ms. Dyer stated she is looking forward to seeing actual sq. footage to see the ratio and balance sheet

Mr. Turner expressed concerns with the drinking water

Mr. DiSangro stated it will be addressed

Mr. Wiley stated that snow storage area is not on your lot so it should be addressed. He stated we want to see the total enhancement area. If there are invasives, removal of them will be credited toward the ratio balance

Mr. Gordon stated there are a lot of tree species and shrubs on both sides that will grow nicely. He stated there will be invasive management overall for the 100 ft. buffer as opposed to plantings that may fail.

Mr. DiSangro stated he doesn't want large trees removed if at all possible, as they make a good buffer. He was told they are not invasives

Mr. Goetz made the motion to continue the Public Hearing until April 27, 2016 at 7:16

Ms. Dyer seconded the motion

Vote: 7-0-0

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
ROSCOMMON SUBDIVISION
DEP# 315-1094**

Opened: 9:21

Mr. Wiley read the advertisement from the Walpole Times. This hearing was opened 10/15/15 and has been continued several times.

Mr. John Glossa, Glossa Engineering was present along with Mr. Tom Liddy, Lucas Environmental and managers Sean McEntee and Michael Viano

Revised plans were submitted dated 4/6/16. Mr. Glossa presented the plans and discussed revisions which were brought up at the last meeting. He showed specific pages of the plan to discuss revisions. He showed concrete bounds on the plan identifying maintenance areas which are clearly marked now. Mr. Glossa discussed the bridge that is placed over the small intermittent stream coming from North St and Gigi's Way has been made larger and been adjusted. Replication plans, and notes have also been tightened up. Mr. Glossa stated the plantings have been added to the plan and they made sure grading was obvious to the contractor. He stated cross sections, and soil data has been shown and brought to compliance of the DEP. Mr. Glossa stated on the construction plan sequencing notes have been completed and notes regarding the detention basin has been added as well. Per the discussion at the last meeting Mr. Glossa has added the gas line going over to Olmsted. He also stated the center culvert has been lifted up and a detail sheet showing ratios have been included. Mr. Glossa found out that the water main has plenty of cover over it so it was not necessary to go over this with Mr. Mattson of the Sewer and Water Dept. Mr. Glossa also stated crossing detail has been shown. He stated they are pretty close with the Planning Board if the commission feels they are ready to close the Public Hearing. He stated all the commission has requested has been completed.

Ms. Hersey stated she has reviewed the revised plans. She requested Mr. Glossa put the O&M plan on a separate sheet of notes which can be incorporated into the Order of Conditions.

Ms. Dyer asked about the construction sequence and if the bridge will be constructed first

Mr. Glossa stated the road will be completed, then a temporary crossing which will not disturb the wetlands. They need to do this as they can't work from the North St. side as there would be wetland alterations

Mr. Wiley asked for comments from the audience

Mr. Brian D'Angelo asked if the Open Space encompasses where Gigi's Way is located. And asked about the equestrian section of the Open Space

Ms. Hershey stated the Commission is the holder of the Conservation Restriction but it is not attached to the Order of Conditions to the filing before us.

Mr. Glossa stated the applicant is asking for a permit to work in the wetlands, so that is why they are before the conservation commission.

Ms. Hershey explained it is the purview of the conservation commission to manage the CR but it is separate from the Wetlands Protection Act. She also stated the concerns and comments in regards to the CR were put out to Town Counsel and are being addressed and then will go to the Planning Board

A discussion was held regarding the Open Space and Mr. D'Angelo thought he possibly was before the wrong board and should discuss his concerns with the Planning Board

Mr. DiVirgilio made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 9:51

The commission discussed at the next meeting they would vote the Order of Conditions after drafting special conditions to accompany the Order.

NOTICE OF NON-COMPLIANCE

Olmsted Estates -Ms. Hershey stated that Mr. Glossa submitted documentation regarding the inconsistencies regarding Olmsted Estates. He clarified the basins are not infiltration basins and infiltration will occur on individual lots. Ms. Hershey is satisfied with this clarification

Northridge Farms – Ms. Hershey stated she is still waiting for the design of Basin #1 to be reviewed.

OTHER BUSINESS

SUMMER ST. #327 (BOYDEN ESTATES)

DEP# 315-1099

Ms. Hershey stated special conditions were discussed with the applicant in the office to be included in the Order of Conditions

Mr. Goetz made the motion to approve and issue an Order of Conditions with special conditions

Ms. Dyer seconded the motion

Vote: 5-0-2 (Mr. Wiley and Mr. Finnigan abstained)

MINUTES

MARCH 23, 2016

Mr. DiVirgilio made the motion to approve the Minutes for March 23, 2016

Ms. Dyer seconded the motion

Vote: 5-0-2 (Mr. Finnigan and Mr. Goetz abstained)

EXTENSIONS

LOT 11 ARLINGTON LN.

DEP# 315-831

**Ms. Dyer made the motion to issue a one-year Extension for Lot 11 Arlington Ln.
Ms. Watson seconded the motion
Vote: 7-0-0**

**LOT 18 ARLINGTON LN.
DEP# 315-831**

**Ms. Dyer made the motion to issue a one-year extension for Lot 18 Arlington Ln.
Ms. Watson seconded the motion
Vote: 7-0-0**

**LOT 17 ARLINGTON LN.
DEP# 315-843**

**Ms. Dyer made the motion to issue a one-year extension for Lot 17 Arlington Ln.
Ms. Watson seconded the motion
Vote: 7-0-0**

EMERGENCY CERTIFICATE

BEAVER DAM – HIGHLAND LAKE DR.

Ms. Hershey stated this emergency certificate was issued after the work had already been completed as was requested by the Health Dept. She presented photographs for the commissioners

**Mr. Goetz made the motion to ratify the emergency certificate
Mr. DiVirgilio seconded the motion
Vote: 7-0-0**

The following correspondence was discussed and available for review

- DEO – Bird Inc. Landfill

**Mr. DiVirgilio made the motion to adjourn
Mr. Finnigan seconded the motion
Vote: 7-0-0
Meeting closed: 10:30 p.m.**